

# **EXHIBIT E**

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Costello

UNITED STATE DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RAFAEL FOX, PAUL D'AURIA and  
JILL SHWINER,

Plaintiffs,

v. Index No.: 1:19-cv-04650-AJN-SN

STARBUCKS CORPORATION d/b/a  
STARBUCKS COFFEE COMPANY,

Defendant.

-----x

KEITH OWEN COSTELLO

New York, New York

Wednesday, August 19, 2020

Reported by: Steven Neil Cohen, RPR

Job No. 315674

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2 issue in a store the store is to rely on the  
3 pest control company to follow that or to  
4 service the issue.

5 Q. Why did you interpret it as a  
6 failure requiring coaching as to the manager  
7 of the store in particular as opposed to any  
8 other responsible party?

9 MR. MOY: Objection.

10 THE WITNESS: Can you rephrase  
11 the question?

12 BY MR. GRAFF:

13 Q. You had mentioned it was --  
14 presented a coaching opportunity for the  
15 manager of the store. What information, if  
16 any, led you to conclude that the manager of  
17 the store was responsible for presence of  
18 the Hot Shot Strip?

19 A. Our stores are required to call in  
20 any pest activity in stores. That is why we  
21 hire pest control companies to service our  
22 stores. They are professionally licensed to  
23 do that. And those particular pieces of --  
24 those No-Pest Strips are not to be used in  
25 stores.

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2 stores?

3 A. I don't know.

4 Q. As far as you know would there be  
5 any policy in effect at Starbucks at any  
6 point during your employment that would have  
7 prohibited any Starbucks personnel from  
8 using company funds to acquire Hot Shots for  
9 stores?

10 A. That is not something that is part  
11 of my department so I wouldn't be able to  
12 comment on that.

13 Q. So you don't have knowledge on  
14 whether it is prohibited to use company  
15 funds to buy Hot Shots for stores?

16 A. I know that our policy is if there  
17 is activity of pests in stores we have  
18 licensed service providers, pest control  
19 companies, that we contract to come in and  
20 deal with that.

21 Q. Do you have an understanding of  
22 why it is that Hot Shots are not intended to  
23 be used, for example, in Starbucks stores?

24 A. Because we have companies that  
25 come in and do that for us so, as I stated,

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2 A. Ecolab, E-C-O-L-A-B. Rentokil,  
3 R-E-N-T-O-K-I-L, and Quality Assurance.

4 Q. Any others?

5 A. That's it.

6 Q. Prior to receiving Mr. D'Auria's  
7 statement or complaint did you believe that  
8 those four pest suppliers were already  
9 removing Hot Shot DDVP strips if they were  
10 encountering them in stores?

11 A. Yes.

12 Q. As far as you know did any vendor  
13 whether these or AVP or any other ever  
14 itself place Hot Shot No-Pest Strips in  
15 Starbucks stores?

16 A. Yes. I am aware of one incident.

17 Q. Which -- what incident are you  
18 referring to specifically please?

19 A. Where a supplier was trying to  
20 install pest strips in stores.

21 Q. When did that incident happen?

22 A. I can't recall specifically.

23 Q. Who was the supplier?

24 A. Ecolab.

25 Q. Was that an incident with Ecolab

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2 at one location or did it involve multiple  
3 store locations?

4 A. One location.

5 Q. How did you become aware that  
6 Ecolab was placing or seeking to place  
7 No-Pest Strips?

8 A. I was informed by one of my  
9 facility service managers.

10 Q. Who specifically?

11 A. I believe it was Kim Healy at the  
12 time.

13 Q. What action if any did you take  
14 after being informed by Kim Healy that  
15 Ecolab was seeking to place No-Pest Strips?

16 A. I had an immediate investigation  
17 with Ecolab to understand if that in fact  
18 was happening. Found that it was and  
19 immediately terminated them. They lost 50  
20 stores.

21 Q. What, if any, justification or  
22 explanation did Ecolab for its conduct in  
23 placing Hot Shot No-Pest Strips?

24 A. I don't recall.

25 Q. As you sit here today to the best